

1. 1.25.2023 Amended Agenda

Documents:

[01.25.2023 AGENDA AMENDED.PDF](#)

2. PZC 1.25.2023 Agenda

Documents:

[1.25.2023 AGENDA.PDF](#)

3. PZC 1.25.2023 Packet

Documents:

[1.25.2023 PACKET.PDF](#)

AMENDED
MEETING AGENDA
LEWISTON PLANNING AND ZONING COMMISSION

JANUARY 25, 2023 AT 5:30 P.M.

COMMUNITY DEVELOPMENT DEPARTMENT BUILDING,
215 D STREET, 2ND FLOOR, LEWISTON, ID 83501

Citizen comments and testimony for public hearings may be made: in-person, by emailing Dawn Ortiz at dortiz@cityoflewiston.org, or by calling (208)798-2570 and leaving a message. Citizen comments and testimony for public hearings submitted by email or phone will be forwarded to the Planning & Zoning Commission. If you would like your citizen comment to be read out loud during the meeting, please so indicate in your message. Testimony for public hearings that was submitted by email or phone and unable to be forwarded to the Planning & Zoning Commission prior to the meeting will be read out loud during the public hearing. Members of the public who wish to provide in-person comment or testimony, but who are unable to secure a seat in the designated meeting space and/or overflow room(s) due to occupancy or gathering limits, will be rotated in and out of the designated meeting space in order to provide comment. While not in the designated meeting space, such persons may watch and listen to the livestream of the meeting on their own devices by visiting the City of Lewiston's Facebook page or the City's website at cityoflewiston.org

COMMISSION MEMBERS: Chair; Michael Busch, Vice Chair; Gabriel Iacoboni, Kathy Branson, Cynthia Ball, Kevin Kelly, Open Position, Open Position

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**AS A MATTER OF PUBLIC SERVICE AND GOVERNMENTAL TRANSPARENCY, THIS MEETING  
MAY BE RECORDED, STREAMED LIVE AND/OR ACCESSED AT A LATER TIME. NOTE THAT THIS  
MAY INCLUDE VIDEO AND AUDIO OF ALL PERSONS PRESENT.**  
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- I. **CALL TO ORDER**
- II. **CITIZENS COMMENTS** – An opportunity for citizens to address the Commission with comments and/or questions about Planning and Zoning Commission-related matters that are not a public hearing action item on this agenda. Citizens are asked to limit their time to three minutes each.
- III. **APPROVAL OF JANUARY 11, 2023 MEETING MINUTES (ACTION ITEM)**
- IV. **PUBLIC HEARING AND SUBSEQUENT DELIBERATION AND DIRECTION TO STAFF REGARDING THE REASONED STATEMENT FOR CONDITIONAL USE PERMIT APPLICATION CUP23-000001; AN APPLICATION BY FRANK NUDING TO INSTALL A BILLBOARD SIGN AT 2231 2ND AVE NORTH (ACTION ITEM):** The applicant requests conditional use permit approval, to install a 12 feet by 24 feet (288

square feet) double-sided, digital billboard in the General Commercial, C4, Zone and the Billboard, BB, Overlay Zone. Billboards are allowed by Conditional Use Permit in the Billboard Overlay Zone per Lewiston City Code Section 37-114 and subject to the standards contained in Lewiston City Code Chapter 30, Sign Code.

- V. **PUBLIC HEARING FOR ZONING CODE AMENDMENT, ZA-04-22, TO REWRITE THE PLANNED UNIT DEVELOPMENT ZONE (ACTION ITEM):** A proposal to rewrite Lewiston City Code section 37-94, Planned Unit Development, PUD, Zone; to clarify and simplify the requirements and procedure of Planned Unit Developments.
- VI. **STAFF-COMMISSION COMMUNICATIONS**
- A. Query of Commissioners for the February 8, 2023 meeting (annexation public hearing)
- VII. **ADJOURN (ACTION ITEM)**

The City of Lewiston is committed to providing access and reasonable accommodation in its services, programs, and activities and encourages persons with disabilities to participate. If you anticipate needing any type of accommodation or have questions about the physical access to the facility within which this meeting is being held, please contact City Planner, Joel D. Plaskon at least forty-eight hours in advance of the meeting at (208) 746-1318 extension 7202 or jplaskon@cityoflewiston.org.

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January 11, 2023

The LEWISTON PLANNING AND ZONING COMMISSION met in the Community Development Department Second Floor Conference Room at 215 "D" Street. Vice Chair Busch called the meeting to order at 5:30 p.m.

Planning & Zoning meetings are recorded live. To view the full video, go to <https://livestream.com/accounts/11220190> and select Planning & Zoning.

I. CALL TO ORDER

COMMISSIONERS PRESENT: Michael Busch, Vice Chair; Gabriel Iacoboni; Kevin Kelly; Kathy Branson; Cynthia Ball

COMMISSIONERS EXCUSED: None

STAFF MEMBERS PRESENT: Katie Hollingshead, Assistant Planner; Dawn Ortiz, Community Development Specialist; Aaron Butler, IT; Kayla Herman, City Attorney; Brianne Drury, Assistant City Attorney; Jennifer Tengono, Assistant City Attorney

II. CITIZEN COMMENTS

None

III. APPROVAL OF DECEMBER 14, 2022 MEETING MINUTES (ACTION ITEM)

Commissioners Branson and Kelly moved and seconded, respectively, approval of the December 14, 2022 meeting minutes. The motion carried 5-0-1, with Commissioner Ball abstaining.

IV. ELECTION OF COMMISSION CHAIRPERSON FOR 2023 (ACTION ITEM):

Commissioner Branson nominated Commissioner Busch for Chairperson.
Commissioner Iacoboni nominated Commissioner Iacoboni for Chairperson.

Upon roll call, the vote was as follows:

Commissioner Cynthia Ball voted for Michael Busch
Commissioner Michael Busch voted for Michael Busch
Commissioner Kevin Kelly voted for Michael Busch
Commissioner Kathy Branson voted for Michael Busch
Commissioner Gabriel Iacoboni voted for Gabriel Iacoboni

V. ELECTION OF VICE CHAIRPERSON FOR 2023 (ACTION ITEM)

Commissioner Ball nominated Commissioner Iacoboni for Vice Chairperson.

Upon roll call, the vote was as follows:

Commissioner Cynthia Ball voted for Gabriel Iacoboni
Commissioner Michael Busch voted for Gabriel Iacoboni
Commissioner Kevin Kelly voted for Gabriel Iacoboni
Commissioner Kathy Branson voted for Gabriel Iacoboni
Commissioner Gabriel Iacoboni voted for Gabriel Iacoboni

VI. STAFF-COMMISSION COMMUNICATIONS:

A. Query of Commissioners for January 25, 2023 meeting.

All Commissioners present will be in attendance to the January 25, 2023 meeting.

Staff Hollingshead notified the Commission that there will be 2 public hearings at the January 25, 2023 meeting.

Staff Hollingshead notified the Commission that they did reach out to applicants that have previously applied to City Council, they have had inquires but no applications have been submitted to date. Staff also asked if the Chairperson and the Vice Chairperson are interested in being part of the steering committee for the Comprehensive Plan re-write. Vice Chairperson Iacoboni and Commissioner Kelly in place of Chair Busch were willing to participate with the Comprehensive Plan re-write.

Commissioner Ball volunteered as volunteer in case Vice Chairperson Iacoboni or Commissioner Kelly were not able to attend.

Legal asked for Commissioners who have not responded to legal's email if they will be attending or not attending the open meeting law training please do so.

VII. ADJOURN

There being no further business, Commissioners Kelly and Branson moved and seconded, respectively, to adjourn. The motion carried 5-0 and the Planning and Zoning Commission adjourned at approximately 5:40 p.m.

RESPECTFULLY SUBMITTED,

Dawn Ortiz,
Recording Secretary

Chairperson or Acting Chairperson
Planning and Zoning Commission

Approved this _____ day of _____, 2023.



STAFF USE ONLY	
Case Number:	CUP23-000001
Hearing Date:	1.25.23
Nature of CUP Application:	BILLBOARD

APPLICATION FOR CONDITIONAL USE PERMIT

(Pre-application meeting strongly encouraged)

Conditional use means a use permitted in a particular zone district upon showing that such use in a specified location will comply with all the conditions and standards as specified in Chapter 37 of the City Code, including any additional conditions of approval recommended by the Planning and Zoning Commission.

Pursuant to Idaho Code Section 67-6512(f), exceptions or waivers of standards, other than use, in the Zoning Chapter may be permitted by the Commission through issuance of a conditional use permit only when the exceptions or waivers of standards are incidental to the conditional use permit being considered by the commission.

By submitting this application to the City of Lewiston you are entering a quasi-judicial process. As such, you must not discuss the application with any member of the Lewiston Planning and Zoning Commission, or the Lewiston City Council, outside of the public hearing at which this matter will be heard.

APPLICANT INFORMATION

Full Name: NUDING FRANK Date: 12.9.2022
Last First M.I.

Address: 6346 OLD RANCH RD.
Street Address Apartment/Unit #

POCATELLO ID 83204
City State ZIP Code

Phone: 208.251.2554 Email: FRANKNUDING@YAHOO.COM

OWNERSHIP INFORMATION

Property Owner Name: PS HOLDINGS

Phone: 208.241.0045 Email: PAXTON@CW-HISSAN.COM

Mailing Address: 239 PRESTON DR. LEWISTON, ID 83501

PROPERTY INFORMATION

Street Address of Subject Property: 2231 2ND AVE N.

Subdivision Name: FISHER ACRES ADDITION Block: _____ Lot: _____

OR attach the most current deed if not part of a subdivision.

Property Zoning: _____

NATURE OF YOUR REQUEST

PLEASE ANSWER THE FOLLOWING QUESTIONS ON A SEPARATE SHEET OF PAPER.

1. Please describe the nature of your conditional use request. You should address pertinent issues, which may include: number of employees, hours of operation, anticipated traffic volume increase, health, safety, compatibility with neighboring land use, site access, on-site traffic flow, off street parking, loading/unloading, pick-up/drop-off, landscaping, and other planned on-site improvements.
2. What public facilities and utilities are available to serve your site? Describe the adequacy to serve the use requested. You should provide specific information regarding water supply, sewage, traffic impacts, stormwater detention and drainage, garbage service and other pertinent utilities and services.
3.
 - a. Will the proposed use result in conditions that will tend to generate nuisances (including but not limited to noise, dust, glare, vibrations, odors and the like) and, if so, how will the nuisances be mitigated?
 - b. Describe how/why the proposed use is a public necessity or, if it is not, describe how it is a benefit to the public.
 - c. Describe how the character of the proposed use, if developed according to the plans as submitted, will be in harmony with the area in which it is to be located.
 - d. Describe how the proposed use will not endanger the environment or the public health or safety.
 - e. Describe how the proposed use will be in substantial conformance with the comprehensive plan of the city.

PLAN INFORMATION

Site plans and floor plans are required. Floor plans shall accurately depict room sizes and uses, as well as doorways, windows, walls, hallways and stairways. Building elevation drawings may also be required, as determined by the City Planner.

Site plans shall include the following:

- Property lines, including dimensions;
- Street address or legal description;
- North arrow and scale;
- Setbacks between buildings and property lines;

- All building locations, size and uses, labeled as existing and/or proposed;
- Driveways and parking spaces;
- Landscaping;
- Location of garbage dumpsters
- Other information, as directed by the Community Development Director, necessary to fully explain and describe the nature of the request.

The plans, as approved or modified by the Planning and Zoning Commission, shall be deemed a part of the applicant's conditional use permit and all use and development shall comply with the plans, application and conditions of approval set by the Planning and Zoning Commission, as well as all applicable City Codes. Nothing in a conditional use permit approval shall be interpreted as allowing the owner or applicant variation from current ordinances that were not specifically addressed at the time of conditional use permit approval.

APPLICATION SUBMITTAL AND PROCESSING

Incomplete applications will not be processed.

Application fee must be paid at the time of submittal.

Expect a five to seven working day application review period prior to commitment to schedule the required public hearing. Corrected or additional information may be required after application submittal, based upon application review.

APPLICANT'S CERTIFICATION

The applicant(s) hereby certifies that the information contained in this application is true and correct to the best of my/our knowledge.

Signature of Applicant: _____

Date: 12-12-22

The Property Owner hereby authorizes this application:

Signature of Owner: _____

Date: 12/13/22

Conditional Use Permit – Addendum Information

Proposed Digital Billboard

Applicant: Frank Nuding

Property Owner: PS Holdings, LLC (Paxton Likness)

Property Address:

2231 2nd Ave N

Lewiston, ID 83501

Re: Additional Supporting Information

NATURE OF YOUR REQUEST

1. The nature of this request is to install a double-sided, 12 feet by 24 feet digital billboard at the address detailed above.
2. The only utilities required to operate the proposed billboard will be power, secured through Avista Utilities. As the proposed construction does not include public facilities, no additional utilities or services will be required.
3. A. The proposed use will not result in any foreseeable nuisances. The advertising and digital messages displayed will adhere to the required hold times.

B. The proposed use is a benefit to local businesses and organizations which would like to communicate their advertising and messages for products, services, events, etc. to promote local business and the economy of the valley.

C. The proposed use is in harmony with the area. For several years, a much larger static billboard was installed one block south of the proposed location. This older, deteriorating structure was razed in August 2022, which has created the opportunity for a newer structure to be installed in the area.

D. The proposed use will not endanger the environment as it is a standalone structure. It does not put off pollutants in the air or water table. As previously mentioned, hold times for displayed messages will adhere to required timeframes, as with all existing digital billboards and signs located in Lewiston, so as to not disrupt traffic flow.

E. This sign is allowable from a planning and zoning perspective in the proposed and designated area.

F. The proposed sign will enhance the messaging ability of the community at a key location in the city. In addition to commercial messages, this sign will be available to both the city and the county for local public service announcements at no charge. (Based on available inventory).

G. Upon approval, we will provide the required engineering drawings as well as a survey of the physical location.

12-12-2022

City of Lewiston

Planning & Zoning Department

1134 F Street

Lewiston Id. 3501

RE- Outdoor sign application

Dear Planning Department

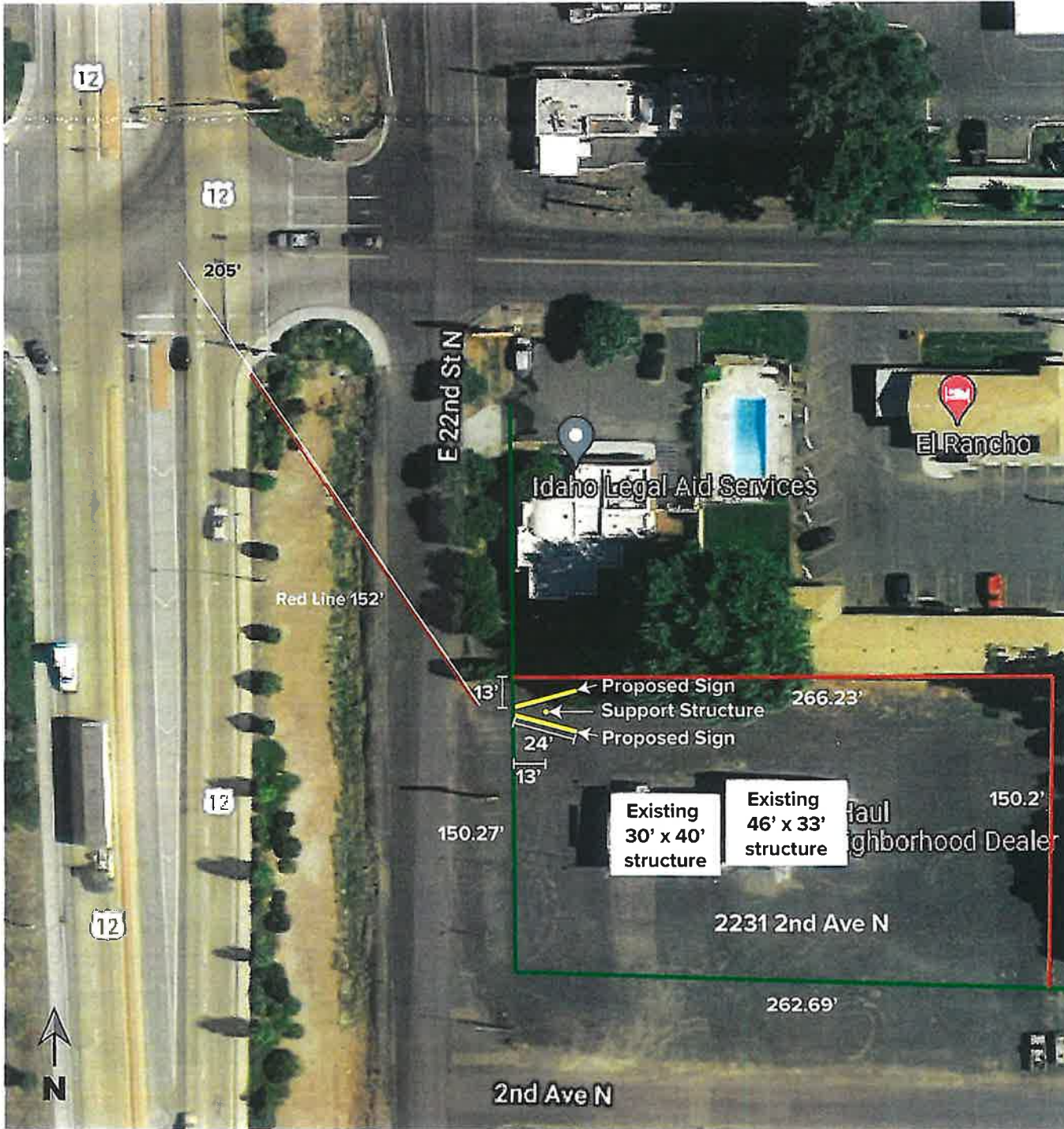
Please consider this letter my support for the proposed Billboard application located at 2231 2nd Ave, as you aware we are in the process of getting our plans drafted for a new Nissan store that will be located in this area, we feel that having a new Digital Billboard sign at the proposed location will help to enhance our visibility to the traveling public, messages that are seen on the board will also attract their attention to our New Nissan store location. The previous sign on that property was an eye sore and with the new technology available we feel this will be a great sign addition to the entire area.

Sincerely



- Paxton & Shawha-Likness

Clearwater Nissan



1006 16th Ave. Lewiston, ID

Phone: 208.798.7446

Email: graphics@signcraftersinc.net

PROJECT:

Frank Nuding Billboard

CONTACT:

Frank Nuding

franknuding@yahoo.com

LOCATION:

2231 2nd Ave N

Lewiston, ID

DATE:

12/15/2022

SIGN INFORMATION:

- 12' x 24' double faced digital billboard

REVISIONS:

① 2 3 4 5 6
FREE CHARGES MAY APPLY – \$60/hour

Approved as is

Approved w/changes as marked

SIGNATURE _____

DATE _____

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All design work is the intellectual property of Sign Crafters, Inc. until project completion and final payment has been received

Unauthorized use, reproduction, and/or display shall render the infringer liable for up to \$150,000 in Statutory Damages, plus attorneys fees and costs, for each infringement, under the U.S. Copyright Act (17 U.S.C. 412 & 504)



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REVISIONS:

- | | | | | | |
|------|--------------------------------|---|---|---|---|
| ① | 2 | 3 | 4 | 5 | 6 |
| FREE | CHARGES MAY APPLY -- \$60/hour | | | | |

- Approved as is
- Approved w/changes as marked

SIGNATURE

DATE

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All design work is the intellectual property of Sign Crafters, Inc. until project completion and final payment has been received.
Unauthorized use, reproduction, and/or display shall render the infringer liable for up to \$150,000 in Statutory Damages, plus attorneys fees and costs, for each infringement, under the U.S. Copyright Act (17 U.S.C. 412 & 504)

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Lewiston Planning and Zoning Commission will conduct a public hearing at which you may provide testimony on

Wednesday January 25, 2023 at 5:30 pm.

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FOR FURTHER INFORMATION AND TO SUBMIT TESTIMONY, contact the Community Development Department at (208) 746-1318, ext. 7261.

Hearing notice publication date: Sunday January 8, 2023.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Lewiston Planning and Zoning Commission will conduct a public hearing at which you may provide testimony. This public hearing will be held at a meeting which may have additional public hearings on the agenda.

WEDNESDAY JANUARY 25, 2023 at 5:30 P.M.
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Any person (or persons) may support or oppose the applicant's request. **Persons receiving this notice are encouraged to provide testimony/comment.**

For further information on the above zoning action, the public hearing process, or appeal process, please contact the Community Development Department at (208) 746-1318, ext. 7261 or khollingshead@cityoflewiston.org. Our offices are located at 215 'D' Street, Lewiston. Business hours are Monday through Friday, 8:00 a.m. to 5:00 p.m.

Notice of this public hearing was mailed on 1/xx/23 and xx persons were noticed.

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CUP23-000001

Properties within 330' Boundary

OWNER1	OWNER2	MAIL_ADD1	MAIL_CITY	MAIL_ST	MAIL_ZIP
BOSS MICHAEL A		2314 2ND AVE N	LEWISTON	ID	83501
CARLSON TASHA M		2321 2ND AVE N	LEWISTON	ID	83501
COULTER, DONALD &	COULTER, CLEO	2313 1ST AVE N	LEWISTON	ID	83501
GLENN BRADLEY K &	GLENN DELILAH O	2307 1ST AVE N	LEWISTON	ID	83501
IDAHO LEGAL AID SERVICES		1447 TYRELL LANE	BOISE	ID	83706
JAKE OF ALL TRADES LLC		716 BRYDEN AVE	LEWISTON	ID	83501
JAMES LONNYE &	JAMES DELENE	2317 2ND AVE N	LEWISTON	ID	83501
JOHNSON CHRISTINA A		2322 2ND AVE N	LEWISTON	ID	83501
JOHNSON SETH &	JOHNSON MICHEALA	2325 2ND AVE N	LEWISTON	ID	83501
JORDAN SAMUEL VAN		2332 3RD AVE N	LEWISTON	ID	83501
JOSHNICK LLLP		3184 ELDER ST	BOISE	ID	83705
KAUFMAN ANGEL R		2302 2ND AVE N	LEWISTON	ID	83501
KINGSLEY MICHAEL L &	KINGSLEY CAROLYN A	3413 BLUEBIRD CIR	LEWISTON	ID	83501
KLOOSTER, FRED		2321 1ST AVE N	LEWISTON	ID	83501
P.S. HOLDINGS LLC		239 PRESTON DR	LEWISTON	ID	83501
PATANE MARIO J		2308 2ND AVE N	LEWISTON	ID	83501
RIDDLE DENNIS C &	RIDDLE CONNIE L	2315 2ND AVE N	LEWISTON	ID	83501
RUTH SABRINA &	RUTH MATTHEW	2303 1ST AVE N	LEWISTON	ID	83501
SJK LAND HOLDING LLC		PO BOX 16025	MISSOULA	MT	59807
STEWART GWENDOLYN A ETAL		7282 GARNET DR	LEWISTON	ID	83501
WALKER KARL E &	WALKER LINDA E	2316 3RD AVE N	LEWISTON	ID	83501
WALLACE TRACY L &	WALLACE ERIC C	2324 3RD AVE N	LEWISTON	ID	83501



PLANNER'S STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT

Date: 1/10/2023

Case File Number: CUP23-000001

Applicant:

Frank Nuding
6346 Old Ranch Road
Pocatello, ID 83204

Property Owner:

PS Holdings, LLC
239 Preston Drive
Lewiston, ID 83501

Site Location:

2231 2nd Avenue N
Lewiston, ID 83501

Request/Proposal: The applicant requests conditional use permit approval to install a 12 feet by 24 feet (288 square feet) double-sided, digital billboard in the General Commercial, C4, Zone and the Billboard, BB, Overlay Zone. Billboards are allowed by Conditional Use Permit in the Billboard Overlay Zone per Lewiston City Code Section 37-114 and subject to the standards contained in Lewiston City Code Chapter 30, Sign Code.

Subject Property and Surrounding Land Uses: The subject property is approximately .91 acres and is a commercial property containing a storage shed sales office and display lot. Surrounding properties are a mix of commercial and residential uses, with the properties to the north and south being commercially zoned and the property to the east being residentially zoned. The property fronts E. 22nd Street N with US Highway 12 adjacent to that.

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Related Or Other Pending Discretionary Actions:

None.

Flood Plain, Wetlands, EPA Regulated Site:

NA

Code References:

Sec. 37-3. Definitions.

Conditional use means a use permitted in a particular zone district upon showing that such use in a specified location will comply with all the conditions and standards as specified in this chapter, including any additional conditions of approval, and when approved by the planning and zoning commission.

GENERAL COMMERCIAL ZONE C-4

Sec. 37-70. General Commercial Zone C-4. 

(a) *Purpose:* To provide areas to serve the city and regional needs for commercial goods and services. Such areas shall be compatible with adjacent residential development. (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 34, 10-25-99)

Sec. 37-71. Uses permitted outright. 

In a C-4 Zone the following uses and their accessory uses are permitted outright subject to the standards of Article IV:

- (1) Auto, boat, manufactured home, recreational vehicle, heavy equipment sales and service;
- (2) Building supply outlet;
- (3) Business or professional offices;
- (4) Car wash, subject to the special conditions of section [37-60.1\(1\)](#) of this code;
- (5) Commercial entertainment facility, subject to the special conditions of section [37-69.1\(3\)](#) of this code;
- (6) Day care center, subject to the special conditions of section [37-20.1\(5\)](#) of this code;
- (7) Eating or drinking establishment;
- (8) Financial institutions;

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- (9) Greenhouses and nurseries;
- (10) Laundry and dry cleaners;
- (11) Mini-storage, subject to the special conditions of section [37-69.1\(1\)](#) of this code;
- (12) Mortuary;
- (13) Motel/hotel;
- (14) Multifamily residential uses not on the ground floor of a building;
- (15) Personal services;
- (16) Preschool, subject to the special conditions of section [37-20.1\(6\)](#) of this code;
- (17) Public or governmental offices or semi-public uses which uses are similar to other uses permitted outright in this zone;
- (18) Residential uses legally established as of December 31, 2004;
- (19) Retail sales and service;
- (20) Service station, subject to the special conditions of section [37-60.1\(2\)](#) of this code;
- (21) *Repealed by Ord. No. 4742.*
- (22) *Repealed by Ord. No. 4742.*
- (23) *Repealed by Ord. No. 4753.*
- (24) Veterinary clinic or kennel, subject to the special conditions of section [37-69.1\(2\)](#) of this code;
- (25) Recreational vehicle park, subject to the provisions of Chapter [23](#), Article II of this code;
- (26) Church. (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 35, 10-25-99; Ord. No. 4322, § 4, 12-9-02; Ord. No. 4346, § 2, 11-17-03; Ord. No. 4390, § 4, 2-14-05; Ord. No. 4398, § 13, 1-9-06; Ord. No. 4531, § 8, 7-13-09; Ord. No. 4698, § 17, 10-30-17; Ord. No. 4742, § 2P, 8-19-19; Ord. No. 4753, § 5, 12-14-19)

Sec. 37-72. Conditional uses permitted.

In a C-4 Zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of Articles IV and IX:

- (1) Tire recapping;
- (2) Truck terminal;

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- (3) Multifamily residential when located on the ground floor of a structure;
- (4) Wholesale warehouse;
- (5) Adult bookstore;
- (6) Adult theaters;
- (7) Adult entertainment facility;
- (8) Other public use, or any use conducted by a private company or nonprofit organization that is substantially the same as or substantially similar to a use normally conducted by a public agency;
- (9) Other semi-public use, or any use conducted by a private company or nonprofit organization that is substantially the same as or substantially similar to a use normally conducted by a semi-public agency;
- (10) *Repealed by Ord. No. 4753.*
- (11) Homeless shelter, subject to the standards of section [37-125](#) of this code;
- (12) Other general commercial uses which are not permitted outright but which are consistent with the purpose of the C-4 Zone, and are not detrimental to any of the outright permitted uses or other existing conditional uses or to nearby residential uses;
- (13) Replacement of a nonconforming commercial use located abutting a principal or minor arterial street, as identified in the Lewiston Comprehensive Transportation Plan, subject to standards of section [37-163](#)(17) of this code;
- (14) Replacement of a nonconforming residential use not located abutting a principal or minor arterial street, as identified in the Lewiston Comprehensive Transportation Plan, subject to setback and yard requirements of the R-2 zone;
- (15) A nonconforming commercial use may expand to bring that use into compliance with the requirements of this chapter, Article VII, Off-Street Parking and Loading. Such nonconforming commercial use may expand onto a separate parcel containing a conforming use where that parcel is abutting the nonconforming use for purposes of parking only;
- (16) Bridge housing shelter, subject to the standards of section [37-125](#) of this code. (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4249, § 36, 10-25-99; Ord. No. 4328, § 2, 3-24-03; Ord. No. 4346, § 2, 11-17-03; Ord. No. 4689, § 4, 4-24-17; Ord. No. 4753, § 6, 12-14-19; Ord. No. 4799, § 14, 3-8-21; Ord. No. 4838, § 2, 12-13-21)

Sec. 37-73. Development standards.

In a C-4 Zone, the following development standards shall apply and be in force:

- (1) Maximum height for buildings: Sixty (60) feet.

- (2) Maximum lot coverage: None.
- (3) Minimum lot size: None.
- (4) Minimum front yard: None except property abutting Thain Road shall have a twenty (20) foot minimum.
- (5) Minimum side yard: None except fifteen (15) feet when a property abuts a residential zone.
- (6) Minimum rear yard: None except fifteen (15) feet when a property abuts a residential zone.
- (7) Signs: Signs shall be subject to the restrictions enumerated in the sign ordinance of the city.
- (8) Off-street parking: Off-street parking shall be subject to the requirements enumerated in Article VII.
- (9) Minimum screening: Side or rear yards abutting residential zones shall be screened by means of a sight obscuring fence or approved landscaping materials. Such screening shall be installed prior to the issuance of an occupancy permit.
- (10) Sidewalks: Portland cement concrete sidewalks shall be required in all commercial zones. See section [32-45\(c\)](#) of this code. (Ord. No. 4108, § 2, 8-15-94)

Sec. 37-74. Reserved.

Sec. 37-75. Temporary conditional use.

The purpose of the temporary conditional use in a C-4 Zone is to enable a better temporary use of certain existing structures to ease their transition from certain light industrial uses to general commercial uses in compliance with the goals and purposes of the comprehensive plan of the city of Lewiston.

In a C-4 Zone, the temporary conditional uses of fabricating and assembly operations may be permitted only if the following conditions have been met:

- (1) The use shall only apply to existing structures and shall be compatible with the existing structures on the subject property. No exterior construction which substantially alters the existing structure shall be permitted by the grant of this conditional use and the building must be inspected by a building official.
- (2) For the purposes of this section, an existing structure is one that was constructed prior to January 1, 1981.
- (3) The use shall be compatible with all uses in existence within the surrounding area in that it will not create an adverse impact on traffic, noise levels, fire safety standards, clean air standards, water purity standards or detract from the nature and character of the surrounding uses.

(4) The temporary conditional use shall not be granted outright and shall be strictly controlled, subject to such conditions as may be directed by the commission or the council to insure that the use shall be compatible as set forth in subsection (3) herein.

(5) The temporary conditional use shall be granted only after following the same procedure for conditional uses in accordance with Articles IV and IX.

(6) The allowance of a temporary conditional use shall not grant the applicant any permanent rights in the use of the property. The temporary conditional use shall automatically terminate upon the expiration of a period of time to be set by the commission or the council which period of time shall in no event exceed five (5) years. Nothing shall prevent the holder of a temporary conditional use from applying for a new temporary conditional use for the same or similar purposes at, near or after the expiration date of a temporary conditional use granted pursuant to this section. Such an application shall be treated in all respects as a new application.

(7) In any hearing concerning the allowance of a temporary conditional use pursuant to this section, the commission or the council shall consider and make findings and conclusions concerning the following:

- a. Specific findings with respect to subsections (1) through (6) of this section; and
- b. The nature and extent of the temporary conditional use shall be specifically set forth by the commission and the council and no implied use shall arise therefrom; and
- c. That the trend of the use of the area to general commercial use will not be impeded by the length of time for which the temporary conditional use is allowed. (Ord. No. 4108, § 2, 8-15-94)

BILLBOARD OVERLAY ZONE BB

Sec. 37-113. BB Billboard Overlay Zone.

(a) *Purpose:* The purpose of the Billboard Overlay Zone is to permit the construction and maintenance of billboards in limited areas within the city according to specified standards. (Ord. No. 4108, § 2, 8-15-94)

Sec. 37-114. Standards.

(a) Any billboard constructed hereunder shall be located adjacent to a roadway designated as part of the Billboard Overlay Zone according to the official zoning map of the city of Lewiston and in a location approved by the planning and zoning commission.

(b) A conditional use permit shall be required to construct a billboard. An applicant shall apply for a conditional use permit as provided in Article IX of this chapter. In determining whether to grant or deny a conditional use permit for a billboard, the planning and zoning commission shall consider compliance with the standards contained in Chapter 30 of this code; whether the billboard would substantially block the view of any existing sign from the public right-of-way; and, if the billboard is an illuminated sign, whether the billboard complies with industry practices for eliminating or reducing up-lighting and light trespass. For purposes of this section, *billboard*, *sign*, *public right-of-way*, and *illuminated sign* shall have the same meanings as defined in Chapter 30 of this code.

(c) The construction, modification, repair, and demolition of a billboard shall comply with the provisions and procedures set forth in Chapter 30 of this code. (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4692, § 14, 10-30-17)

Chapter 30 SIGN CODE¹

Sec. 30-2. Findings, purpose and intent, interpretation.

(a) Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation.

(b) The purposes of this sign code are to:

- (1) Promote freedom of speech in the use of signs;
- (2) Provide for reasonable and appropriate communication and identification for commercial districts in order to foster successful businesses;
- (3) Promote and maintain visually attractive residential, commercial, and historic areas;
- (4) Ensure that signs are located and designed to reduce sign distraction and confusion that may be contributing factors in traffic congestion and accidents, and maintain a safe and orderly pedestrian and vehicular environment;
- (5) Minimize the possible adverse effect of signs on nearby public and private property;
- (6) Regulate the size, color, illumination, movement, materials, location, height, and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of various neighborhoods, the creation of an attractive and harmonious community, and encouraging economic development;
- (7) Promote the public health, safety, and welfare by avoiding conflicts between signs and traffic control devices, avoiding traffic hazards, and reducing visual distractions and obstructions; and
- (8) Protect and preserve the aesthetic quality and physical appearance of the city of Lewiston.

(c) A sign placed on land or on a building for the purpose of identification, protection, or directing persons to a use conducted therein must be deemed to be an integral, but accessory and subordinate, part of the principal use of the land or building. Therefore, the intent of this chapter is to establish limitations on signs in order to ensure that they are appropriate to the land, building, or use to which they are appurtenant and are adequate for their intended purposes while balancing the individual and community interests identified in subsection (b) of this section.

(d) This chapter shall be interpreted in a manner consistent with the First Amendment guarantee of free speech.

(e) These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the city of Lewiston. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one (1) or more of the purposes set forth above.

(f) These regulations are not intended to and do not apply to signs erected, maintained, or otherwise posted, owned, or leased by the state of Idaho, the federal government, the city of Lewiston, or any other local governmental entities. The inclusion of “government” in describing some signs does not intend to subject the government to regulation, but instead helps describe the types of signs that fall within the immunities of the government from regulation. (Ord. No. 4692, § 2, 10-30-17)

Sec. 30-3. Substitution.

Notwithstanding any other provision of this chapter, whenever a commercial message is allowed to be displayed, then a noncommercial message shall be allowed, as well. (Ord. No. 4692, § 2, 10-30-17)

Sec. 30-4. Scope.

This chapter shall apply except where specifically preempted by another chapter, article, or section of the Lewiston City Code. (Ord. No. 4692, § 2, 10-30-17)

Billboard means an elevated outdoor sign on which the owner may use, lease, or rent space for the purpose of conveying a commercial or noncommercial message. A billboard shall not exceed three hundred seventy-eight (378) square feet nor be more than forty (40) feet in height. A billboard may also be an electronic message center.

Billboard Overlay Zone means the same as set forth in Chapter [37](#), Article III of this code.

Electronic message center means a sign that utilizes computer-generated messages or some other electronic means of changing sign copy, which may include displays using incandescent lamps, light emitting diodes, liquid crystal displays, and/or a flipper matrix.

Sec. 30-13. Signs in commercial zones, excepting the Local Commercial (C-1) Zone and the Central Commercial (C-5) Zone.

(a) The following signs are authorized in all commercial zones, except the Local Commercial (C-1) Zone and the Central Commercial (C-5) Zone, without a sign permit:

(1) One (1) temporary sign no larger than thirty-two (32) square feet.

(2) Window signs covering no more than fifty (50) percent of the total window area, including glass doors. Such window signs may be internally illuminated and/or animated signs.

(3) One (1) bench sign no larger than fourteen (14) square feet. The bench sign shall not exceed four (4) feet in height and shall not obstruct free and clear vision of pedestrians and vehicular traffic, including clear vision areas.

Signs authorized by this subsection shall not count toward any limitation on the number or area of signs allowed on a lot, as set forth in this section.

(b) Within all commercial zones subject to this section, a property owner shall secure a sign permit prior to placing any other sign on the owner's property.

(c) Unless otherwise provided, the following regulations apply to all signs within commercial zones, except the Local Commercial (C-1) Zone and the Central Commercial (C-5) Zone:

(1) *Wall signs.*

- a. Shall not exceed thirty-three (33) percent of the wall area on which such sign is located, including the area of any parapet. Such signs may be located under eaves.
- b. Shall not extend above the wall roofline or above the top of a parapet wall, whichever is higher.
- c. May be internally illuminated and/or animated signs.

(2) *Freestanding signs.*

- a. One freestanding sign is allowed per five hundred (500) linear feet of lot street frontage or fraction thereof.
- b. Shall not exceed forty (40) feet in height.
- c. Shall not exceed an area equal to two (2) square feet per linear foot of lot street frontage; provided, however, all lots shall be allowed at least sixty (60) square feet.
- d. Shall not exceed two hundred (200) square feet.
- e. Shall not be located in a side or rear yard that is required by Chapter [37](#) of this code.
- f. May project out to the public right-of-way; provided, that there is ground clearance of at least: (1) eight (8) feet six (6) inches above the grade of an adjacent sidewalk, or (2) fifteen (15) feet above driveways and parking lots.
- g. Shall not project over the public right-of-way, alleys, or driveways.
- h. May be internally illuminated and/or animated signs.

(3) *Ground monument signs.*

- a. One (1) ground monument sign is allowed per five hundred (500) linear feet of lot street frontage or fraction thereof.

b. Shall not exceed six (6) feet in height; provided, however, if the sign width is thirty-three (33) percent or less than the sign height, then such sign shall not exceed twelve (12) feet in height.

c. The length shall not exceed ten (10) percent of the linear lot street frontage or eighteen (18) feet, whichever is less; provided, however, if the lot is a flag lot, then the sign shall not exceed thirty-two (32) square feet and the length requirement set forth above shall not apply.

d. Shall not be located in a side or rear yard that is required by Chapter [37](#) of this code.

e. May be internally illuminated and/or animated signs.

(4) Roof signs shall not exceed one-half (1/2) the height of the building to which such sign is attached or ten (10) feet in height, whichever is less.

(5) *Projecting signs.*

a. One (1) projecting sign is allowed per street frontage.

b. Shall not exceed sixty (60) square feet.

c. Shall be spaced at least fifteen (15) feet apart.

d. Shall not project over the public right-of-way.

e. Shall be placed at least fifteen (15) feet above all vehicle access routes.

(6) *Marquee signs.*

a. May project below the lower edge of a canopy or covering structure a maximum of twelve (12) inches.

b. Shall not project above a roof.

c. Shall have a ground clearance of at least eight (8) feet six (6) inches above the grade of an adjacent sidewalk.

(7) Wall art displays that include electrical or mechanical components shall not project more than six (6) inches from the plane of the wall upon which such display is painted or affixed. Wall art displays shall not be internally illuminated or animated signs.

(8) The combined total area of all signs on a lot shall not exceed three (3) square feet per linear foot of lot street frontage or sixty (60) square feet, whichever is more, unless otherwise provided by this chapter. If a building fronts on two (2) or more streets, then the owner shall choose one (1) street frontage for the purpose of computing allowable sign area.

(9) No more than two (2) signs shall be allowed per lot street frontage. (Ord. No. 4692, § 2, 10-30-17)

Sec. 30-17. Billboards.

(a) Billboards shall only be allowed within the Billboard Overlay Zone, as provided in Chapter [37](#), Article III of this code.

(b) *General construction standards.*

(1) An application for construction of a billboard shall include plan sets approved and stamped by an engineer or architect licensed in the state of Idaho. Where a billboard is intended to be located along a road within the jurisdiction of the Idaho Transportation Department, plans shall also be submitted to the Idaho Transportation Department for its approval.

(2) There shall be at least five hundred (500) feet between all billboards located on the same street or highway, measured along the centerline of the public right-of-way, regardless of which side of the street or highway the billboards are located.

(3) No billboard shall be constructed within one hundred fifty (150) feet of an intersection, measured perpendicular to the nearest public right-of-way line for the crossing street.

(4) A billboard shall only be placed adjacent to an arterial street, as designated on the most recent urban functional classification map adopted by the Lewis-Clark Valley Metropolitan Planning Organization.

(5) A billboard shall not extend over the public right-of-way or any property line.

(6) A billboard may be attached to a building approved for occupancy by the building official. If attached to a building, the sign area of the billboard shall be counted towards the total allowable sign area for that building and lot.

(7) A billboard sign face shall not exceed three hundred seventy-eight (378) square feet.

(8) A billboard shall not exceed forty (40) feet in height as measured from the centerline of the adjacent street.

(9) A billboard may be an illuminated sign, an animated sign, and/or an electronic message center.

(10) A billboard may contain a mechanically-controlled face in order to change content; for example, a tri-face.

(11) A billboard that is an electronic message center shall not change messages more than once every nine (9) seconds. The message changing process shall be completed within two (2) seconds.

(12) A billboard that is an electronic message center shall be designed, in an event of malfunction, to: (a) freeze the display in a static position, (b) display a full black screen, or (c) turn off.

(c) *Modifications.*

- (1) The copy on a billboard may be changed at any time without a new sign permit.
- (2) A billboard structure may be changed only with an approved building permit.
- (3) A billboard sign face may be removed and replaced with another visual medium that did not previously exist on the sign face only with an approved building permit – for example, replacing a static sign face with a movable face, scrolling message digital display, video display, or other similar technology that previously did not exist on the billboard sign face.

(d) *Repair and demolition.*

- (1) If a billboard is damaged or destroyed, the owner of such billboard shall repair or demolish the billboard within fifteen (15) days of the damage or destruction. If a billboard is demolished, the owner of the billboard shall remove all demolition debris within said 15-day period.
- (2) Unless otherwise provided, the owner of a billboard shall secure a demolition permit from the department prior to demolishing a billboard. The owner of the billboard shall file an application for a demolition permit at least forty-eight (48) hours prior to the scheduled time for demolition.
- (3) If a billboard poses an immediate safety hazard, the owner of such billboard may immediately demolish the billboard. The owner of the billboard shall report such demolition to the building official within forty-eight (48) hours of the demolition. (Ord. No. 4692, § 2, 10-30-17)

Sec. 37-160. Authorization to grant or deny conditional uses.



(a) Uses designated in this chapter as conditional uses may be permitted upon authorization by the commission in accordance with the standards and procedures established in this article. The commission may impose, in addition to those standards and requirements expressly specified by this chapter, any additional conditions which it considers necessary to protect the best interests of the surrounding property or the city as a whole. Those conditions may include, but are not limited to:

- (1) More restrictive standards than generally required, such as increased lot or yard size, with limitations or increased parking space requirements;
- (2) Minimizing adverse impacts, such as limiting the number, size and location of signs and requiring screening, diking, fencing or landscaping;
- (3) Controlling the timing, sequence, and duration of development;
- (4) Designating the exact location and nature of development and assuring that it is maintained properly;

(5) Requiring the provision of on-site or off-site public facilities.

(b) Pursuant to Idaho Code Section [67-6512\(f\)](#), exceptions or waivers of standards, other than use, in this chapter may be permitted by the commission through issuance of a conditional use permit only when the exceptions or waivers of standards are incidental to the conditional use permit being considered by the commission.

(c) The commission shall consider the following relevant criteria and standards when considering whether to grant a conditional use permit and/or an exception or waiver of standard that is incidental to a conditional use permit:

(1) The proposed use (will/will not) result in conditions that will tend to generate nuisances (including but not limited to noise, dust, glare, vibrations, odors and the like) or, if so, that any anticipated nuisances will be appropriately mitigated.

(2) The proposed use (is/is not) a public necessity (and/but) (is/is not) justified by the applicant and deemed to be of benefit to the public.

(3) The character of the proposed use, if developed according to the plan as submitted, (will/will not) be in harmony with the area in which it is to be located.

(4) The proposed use (will/will not) endanger the environment or the public health or safety.

(5) The proposed use (will/will not) be in substantial conformance with the comprehensive plan.

(d) Any use which is granted and permitted as a conditional use in a particular zone under the terms of this chapter shall be deemed to be a conforming use in said zone. A use existing prior to August 15, 1994, and which is classified in this chapter as a conditional use, shall be considered a conforming use. Any future change or alteration in existing structures shall be permitted outright, provided required permits are obtained and standards complied with. Any change in use shall be subject to the regulations of the zone in which it is located.

(e) Any increase in lot area for a use allowed by conditional use shall require the approval of the planning and zoning commission in the same manner as the original application.

(f) Upon approval by the planning and zoning commission of the findings of fact, conclusions of law and decision, those decisions that create uses that may be transferred with the land shall be filed on record in the office of the Nez Perce County recorder.

(g) Authorization of a conditional use shall be void after twelve (12) months unless:

(1) A building permit pursuant thereto has been applied for;

(2) Where no building permit is required, the intent of the conditional use has been fulfilled; or

(3) Substantial progress towards completion of the project has been accomplished, as determined by the community development director.

(h) The community development director may extend the expiration date of a conditional use permit to six (6) months upon written request of the applicant. The decision to grant or deny the extension shall be based on the following criteria:

- (1) Application for extension is received prior to the expiration date;
- (2) The conditional use remains consistent with the comprehensive plan and conditional uses allowed with the zone;
- (3) The applicant can show progress towards establishing the conditional use;
- (4) The applicant can show that circumstances specific to the conditional use and beyond the applicant's control warrant an extension of time. (Ord. No. 4108, § 2, 8-15-94; Ord. No. 4530, § 1, 4-27-09; Ord. No. 4631, § 1, 7-13-15; Ord. No. 4651, § 1, 2-22-16)

Sec. 37-161. Application for a conditional use.



(a) A property owner or his agent may initiate a request for a conditional use or for the modification of an existing conditional use by filing an application with the community development department on forms prescribed in Article XIII. The application shall be submitted at least twenty (20) working days prior to the meeting at which it will be considered. The application for a conditional use shall be accompanied by a site plan drawn neatly and accurately and to an appropriate scale showing at least the following items:

- (1) Property lines;
- (2) Street address or legal description;
- (3) Zoning of the property;
- (4) Setbacks measured from the property lines;
- (5) All building locations, size of buildings and overhangs;
- (6) Driveways and parking spaces;
- (7) Landscaping;
- (8) The size, location and nature of the requested use;
- (9) The location and size of all existing and proposed signs;
- (10) Location of solid waste disposal and collection facilities;
- (11) Other information, as directed by the community development department, necessary to fully explain and describe the nature of the request.

(b) The general site plan, as approved or modified by the commission, shall be made a part of the applicant's file and all construction and development shall comply with the conditions

of approval set by the commission as well as all applicable city codes. Nothing in this general site plan approval shall be interpreted as allowing the owner or applicant variation from current ordinances that were not specifically addressed at the time of permit approval. (Ord. No. 4108, § 2, 8-15-94)

Sec. 37-162. Public hearing on a conditional use.

Before the commission shall act upon a request for a conditional use, it shall hold a public hearing pursuant to section [37-184](#) of this chapter. (Ord. No. 4108, § 2, 8-15-94)

Comprehensive Plan:

The subject property is located in Neighborhood Number 1, North Lewiston, and has a future land use designation of Mixed Use.

h. Desired Futures for Neighborhood Number One – North Lewiston

1. Improve the north entrance to our community. US 95/12 is the major entry to our community and sets the tone for the tourist or business person entering our community. As such, it must present an appearance that welcomes the visitor and resident alike and demonstrates our pride in our community. The following features and amenities should be included in the redevelopment of this entry:

b. Signage must be clear and easily understandable without distracting the driver. This signage could also include directions and information about regional features as well as community destinations.

CHAPTER 1. A VISION FOR LEWISTON IN 2020

Second, commercial areas will be contained in commercial nodes with traditional strip commercial areas redeveloped over time to a more efficient use of land, but we will make sure there is adequate land available for the expansion of our commercial business sector. Commercial areas located in the transitions between residential and commercial uses will be controlled through design review or other means to minimize their impact on the residential uses nearby.

GOAL (LU-12.0): Protect residentially zoned lands that are located adjacent to Commercially zoned lands.

OBJECTIVES: LU-13.1: Review and revise (as appropriate) development standards to assure that residential properties are protected from the impacts of commercial development.

LU-13.2: Review commercial uses that are permitted (outright or as a conditional use) in residential zones to assure consistency with the purpose of the zone and to minimize impacts to non-commercial uses. Revise zoning code as appropriate.

GOAL (LU-15.0): Maintain the design and functional character of each neighborhood.

OBJECTIVES: LU-15.1: Review and revise development standards, as appropriate, to assure that new development, additions, and remodels will maintain the design characteristics prevalent in the neighborhood. Such characteristics may include building height and massing, setbacks, lot coverage, lot size, and other characteristics that define a neighborhood.

LU-15.3: Continually review permitted, conditional and prohibited uses to assure that the mix of uses allowed by the zoning ordinance does not adversely impact residential neighborhoods. Revise zoning ordinance if appropriate.

LU-15.5: Review and revise development standards to buffer residential zones and/or uses from commercial and industrial uses. Such revised standards may address landscaping, berms, fences, walls, access, lighting, uses, hours of operation, or other criteria as may be appropriate.

LU-15.8: Maintain strict enforcement of zoning, building, sign and other development-related codes and ordinances.

GOAL (LU-17.0): Manage traffic in residential areas to meet the needs of local residents, as well as City-wide needs, while minimizing disruption to neighborhoods.

Input From Other Departments/Agencies:

The Fire Department had no comments on the application.

The Engineering Division of the Public Works Department; "Sign is adjacent to ITD (Idaho Transportation Department) right of way. Engineering has no objections to billboard being placed entirely on private property as shown.

Analysis:

The subject property is located in the C4, General Commercial Zone and currently houses a U-Haul Truck rental store and portable storage building retail outlet. Properties to the immediate east are residential homes located in the R4, High Density Residential Zone. Properties to the north are commercial businesses including an office and a motel, while properties to the south are nonconforming residential uses in the C4, General Commercial Zone. The property is also located in the Billboard Overlay Zone which follows E. 22nd St N from 1st Ave North to the intersection of Frontage Road and US Highway 12. Billboards are allowed in the Billboard Overlay Zones with a conditional use permit.

The proposed billboard is 12 feet tall by 24 feet wide for a total square footage of 288 square feet, which is under the maximum 378 square feet that is allowed.

The proposed billboard is 40 feet tall which is the maximum height allowed. The proposed billboard will be an electronic message center, which is allowed as long as the illumination standards set forth in Chapter 30, Sign Code, are followed.

The proposed billboard is at least one hundred fifty (150) feet from the intersection of E. 22nd St N and 3rd Avenue N as required by code and will be located entirely on private property. The proposed billboard is located more than 500 feet from the next closest existing billboard, which is located in front of 2814 Frontage Road.

Relevant Criteria and Standards:

1. The proposed use (**will/will not**) result in conditions that will tend to generate nuisances (such as noise, dust, glare, vibrations, and odors) or, if so, any anticipated nuisances will be appropriately mitigated.
2. The proposed use (**is/is not**) a public necessity (**and/but**) (**is/is not**) justified by the applicant and deemed to be of benefit to the public.

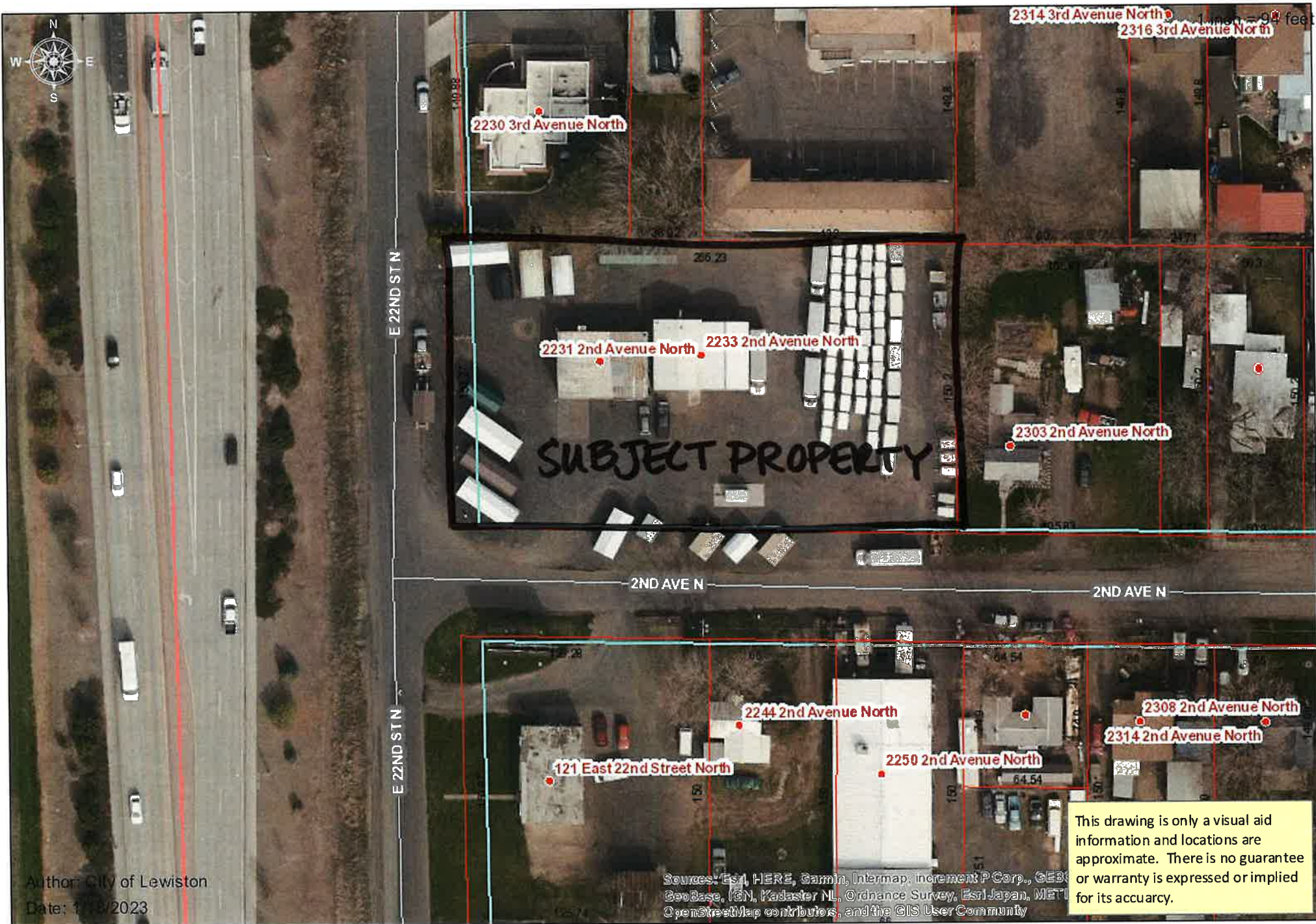
3. The character of the proposed use, if developed according to the plan as submitted, **(will/will not)** be in harmony with the area in which it is to be located.
4. The proposed use **(will/will not)** endanger the environment or the public health or safety.
5. The proposed use **(will/will not)** be in substantial conformance with the Comprehensive Plan.
6. In determining whether to grant or deny a conditional use permit for a billboard, the planning and zoning commission shall consider compliance with the standards contained in Chapter [30](#) of this code;
7. whether the billboard would substantially block the view of any existing sign from the public right-of-way; and,
8. if the billboard is an illuminated sign, whether the billboard complies with industry practices for eliminating or reducing up-lighting and light trespass.

Staff Recommendation:

Pending public testimony, staff recommends approval of CUP23-000001, with any conditions the Commission deems appropriate.

Prepared By:

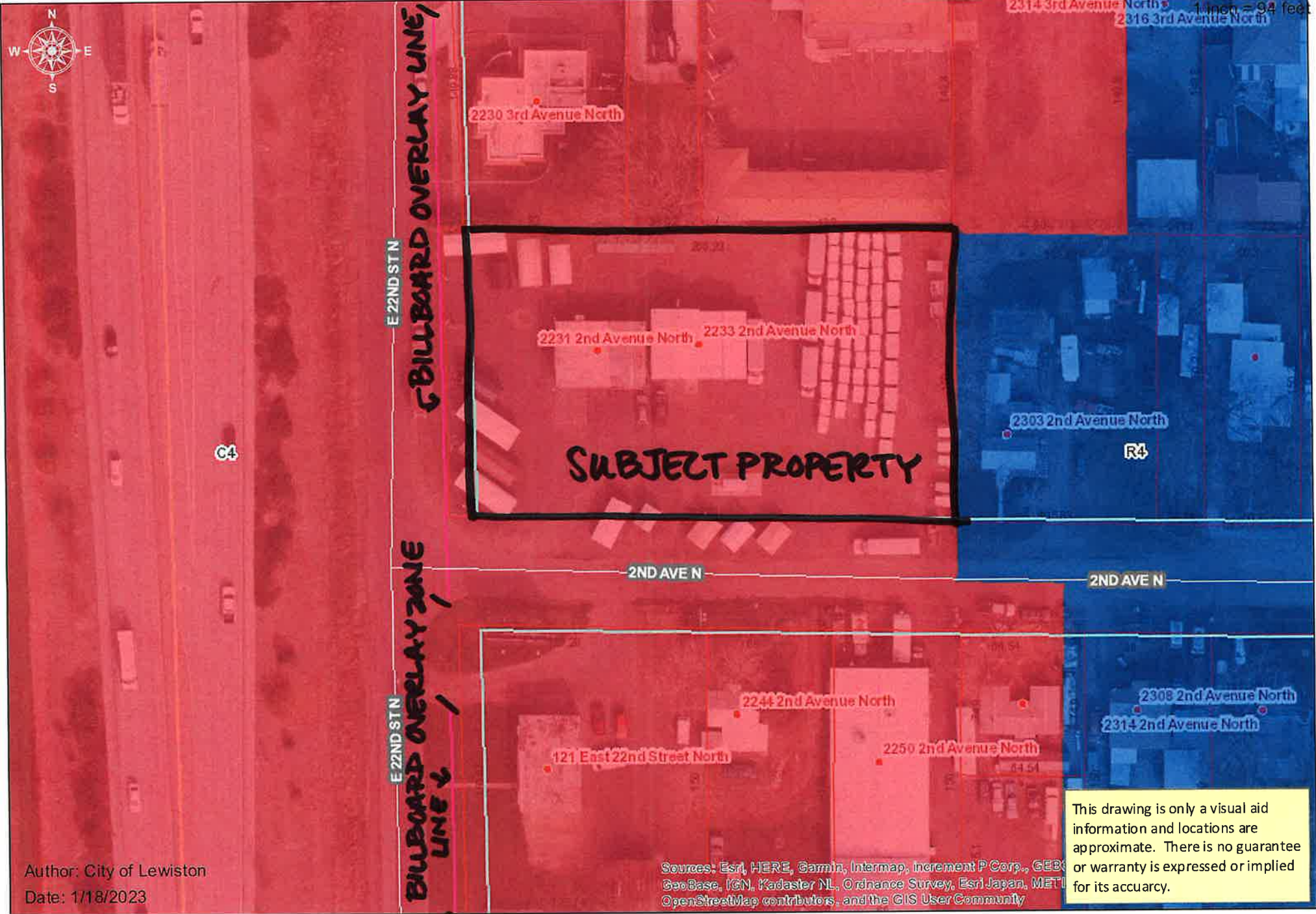
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P.O.Box 617
Lewiston, ID 83501



Author: City of Lewiston
 Date: 1/13/2023

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, OpenStreetMap contributors, and the GIS User Community

This drawing is only a visual aid information and locations are approximate. There is no guarantee or warranty is expressed or implied for its accuracy.



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Lewiston Planning and Zoning Commission will conduct a public hearing at which you may provide testimony on

Wednesday January 25, 2023 at 5:30 pm.

**COMMUNITY DEVELOPMENT DEPARTMENT BUILDING
2ND FLOOR MEETING ROOM,
215 D STREET LEWISTON, ID 83501**

Seating will be available on a first-come, first-served basis. All others who wish to observe this meeting may watch and listen to the livestream on their own device(s) by visiting the City of Lewiston's Facebook page or the City's website at cityoflewiston.org.

Testimony for public hearings may be made: in-person, by emailing Dawn Ortiz at dortiz@cityoflewiston.org, or by calling (208)746-1318 ext 7265 and leaving a message.

This public hearing will be to determine approval or denial of the following proposal:

ZONING CODE AMENDMENT, ZA-04-22: A proposal to rewrite Lewiston City Code section 37-94, Planned Unit Development, PUD, Zone; to clarify and simplify the requirements and procedure of Planned Unit Developments.

FOR FURTHER INFORMATION AND TO SUBMIT TESTIMONY, contact the Community Development Department at (208) 746-1318, ext. 7261.

Hearing notice publication date: Sunday January 8, 2023.

PLANNED UNIT DEVELOPMENT ZONE PUD³

Sec. 37-94. Planned Unit Development (PUD) Zone.

(a) Purpose:

- (1) To allow a planned and coordinated mix of land uses which are compatible and harmonious, but heretofore not permitted under conventional zoning procedures;
 - (2) To encourage a more creative and efficient utilization of land, a concentration of open space in more usable areas, and a preservation of the natural resources of the site;
 - (3) To allow a variety in the types of environment available to the people of Lewiston;
 - (4) To provide the means for greater creativity and flexibility in environmental design than is provided under the strict application of the zoning and subdivision ordinances, while at the same time preserving the health, safety, order, and general welfare of the city of Lewiston and its residents;
 - (5) To encourage the overall planning and designing of large land areas;
 - (6) To provide a better means of cooperation between the city of Lewiston and private developers in the urbanization of new lands and the renewal of existing deteriorated or underutilized areas.
- (Ord. No. 4270, § 3, 10-30-00)

Sec. 37-95. Designation.

All planned unit development districts shall be so designed on the official zoning maps and records of the city. (Ord. No. 4270, § 3, 10-30-00)

Sec. 37-96. Regulation.

(a) The tract of land for which a planned unit development project is proposed shall be a minimum of five (5) acres. Areas of less than five (5) acres may qualify as a planned unit development project if the applicant can show to the planning commission that the waiver of this requirement is in the public interest and that at least one (1) of the following conditions exist:

- (1) Unusual physical features of the site or the surrounding neighborhood are such that development under the standard zoning provisions would not conserve the unique physical features of the site or would not allow functional or environmental compatibility with the surrounding neighborhood.

(2) The site is adjacent to an area which has been developed under the provisions of the planned unit development district and will contribute to the amenity and functionality of the neighborhood.

(b) Application for a planned unit development designation shall be made by the owner or owners of the property, except that an option holder may apply for the planned unit development designation provided the application is accompanied by a signed statement indicating no objection to this designation from the owner or owners.

(c) The proposed land uses are to be mutually harmonious, compatible with adjacent land uses, and in agreement with the adopted comprehensive plan.

(d) Variances from traditional zoning requirements are to be granted when they are consistent with the purposes of this section, provide greater functionality and higher amenity to the neighborhood, and are in the interest of the neighborhood and entire community.

(e) Private roadways shall be permitted within the project, provided they are approved by the city council and are installed to city specifications for similar public streets.

(f) Sidewalks shall be required within the project in accordance with city standards.

(g) During development the developer is to comply with all the requirements of the city regarding lighting, noise abatement, traffic control and regulation, maintaining order, and keeping the premises free from debris. After development the owner shall be responsible for the same. (Ord. No. 4270, § 3, 10-30-00)

Sec. 37-97. Administrative procedure.

(a) Approval is to be obtained for a planned unit development project (hereinafter referred to as PUD) in two (2) stages. First, the planning and zoning commission and city council are to review and give approval to a concept development plan for the total area of the proposed PUD district. Then approval is to be obtained for a detailed development plan by the community development department for the total area, or for sub-areas of the PUD district. If desired by the developer, the concept development plan and the detailed development plan can be approved concurrently.

(b) *Concept development plan:*

(1) The proponents of a PUD project shall submit a concept development plan to the planning department for review, comments, and recommendations. A fee shall be charged in accordance with section [37-188](#) of this code. An application shall be submitted, along with two (2) twenty-four-inch by thirty-six-inch prints and one (1) eight-and-one-half-inch by eleven-inch print of the

plan, and shall be submitted at least twenty (20) working days prior to the planning and zoning commission meeting at which time it shall be considered.

(2) The concept development plan shall consist of the following (see required format):

- a. A legal description of the area;
- b. A map showing existing structures and features of the proposed site;
- c. A map, drawn to scale, showing the proposed site and its proposed land uses, and the adjacent properties and their present urban or projected urban land uses;
- d. Development densities, lot coverage, and building heights, if applicable, for each sub-area within the proposed site;
- e. A map showing the major transportation routes within and serving the site;
- f. Proposed open space and source of public utilities;
- g. An outline for the anticipated schedule and sequence of development of the sub-areas for the total PUD district.

(3) In reviewing the plan, the city planner shall determine if the proposed development is consistent with the intended purposes of the PUD district, with the city comprehensive plan and is beneficial to the overall development of the city of Lewiston. The city planner is to submit the proposed plan and staff report findings to the city planning and zoning commission.

(4) The proponents of the PUD project will secure the approval of the PUD district designation (concept development plan) from the planning and zoning commission and the city council by the procedure outlined in section [37-184](#) of this code.

(5) Approval of a concept development plan of a PUD is an agreement between the city of Lewiston and the developer, or future developers, as to the land use pattern and intensity of development to occur within the project boundaries. Approval of the concept development plan will constitute a PUD zoning district with the full legal approval of the stated land use, but no building permit may be obtained from the community development department until submittal and approval of the detailed development plan. This agreement shall be in the form of an ordinance approved by the city council supplemented with a development agreement which will contain any conditions of approval and standards of development that may be set by the council.

(6) Upon final approval of the concept development plan, the developer shall submit the development in an electronic form acceptable to the city of Lewiston, one (1) twenty-four-inch by thirty-six-inch reproducible print and one (1) eleven-inch by seventeen-inch print of the approved plan to the community development department.

(7) Upon the final approval of the concept development plan, the developer may, at the developer's option, construct roads and utilities and submit plats on all or part of the PUD, in accordance with the approved concept development plan. Building permits shall not be issued for buildings or other structures within the PUD until a detailed development plan has been submitted and approved.

(c) *Detailed development plan:*

(1) In order to secure a building permit within a PUD district for a proposed sub-area, the applicant will submit to the community development department a detailed development plan of any or all sub-areas. A fee shall accompany all detailed development plan applications, which fee shall be set by resolution of the city council. The detailed development plan shall be submitted for approval to the community development department. An application shall be submitted along with two (2) twenty-four (24) inch by thirty-six (36) inch prints and one (1) eight and one-half (8 1/2) inch by eleven (11) inch print of the plan.

(2) The community development director shall consult with the appropriate officials and agencies of local government; a report will subsequently be prepared setting out whether or not the detailed development plan meets the requirements of the concept plan, city code, and the Lewiston comprehensive plan. The report shall be transmitted to the applicant either verbally or in writing within twenty (20) working days from the date it is received.

(3) The detailed development plan shall consist of the following:

a. A subdivision plat or replat (as appropriate) of the area under consideration. Fees for subdivisions shall be as set forth in section [32-7](#) of this code.

b. A map of the proposed site illustrating the following (see required format):

1. Size, location, and arrangement of proposed buildings;

2. Parking areas and streets (including cross-sections thereof), sidewalks, and other transportation facilities;

3. Landscaping, screening and storm water drainage pattern;

4. Common open spaces and recreational area;

5. Proposed public and private water, sanitary sewer, storm sewer, lightning, and any other utilities.

c. A written statement outlining the ownership and maintenance responsibilities of the common areas, open spaces and recreational areas, and documentation of the same.

d. An illustration of the architectural style and appearance of the proposed building or buildings.

e. The proponents of the planned unit development (detailed development) project shall secure approval from the community development department.

f. Upon approval by the community development department, the detailed development plan is attached to, and is part of, the ordinance establishing the zoning designation of the land.

(4) Upon final approval of the detailed development plan, the developer shall submit in an electronic form acceptable to the city of Lewiston, one (1) twenty-four-inch by thirty-six-inch reproducible print and one (1) eleven-inch by seventeen-inch print of the approved plan to the community development department.

(d) Amendment to a planned unit development:

(1) Any material change in land use or increase in development density or intensity of ten (10) percent or more, in an approved concept development plan, will require a resubmission to the city planning and zoning commission and the city council by the procedures defined in section [37-184](#) of this code. The proposed change, if approved, will become an amendment to the approved plan.

(2) A fee shall accompany the request, which fee shall be set by resolution of the city council.

(3) An application shall be submitted, along with two (2) twenty-four-inch by thirty-six-inch prints of the proposed amended plan and one (1) eight-and-one-half-inch by eleven-inch print of the plan, and shall be submitted at least twenty (20) working days prior to the planning and zoning commission meeting at which the same shall be considered.

(4) Upon final approval of the proposed amended concept development plan, the developer shall submit the revised development in an electronic form acceptable to the city of Lewiston, one (1) twenty-four-inch by thirty-six-inch reproducible print and one (1) eleven-inch by seventeen-inch print of the approved plan to the community development department.

(e) Amended detailed development plan:

(1) Changes in the approved detailed development plan involving rearrangement of structures; building size modifications; change in location of open spaces, signage, sidewalks, parking spaces, bikeways, access; setback requirements; impervious surface area; and landscaping may be authorized by the community development department when such special changes are consistent with the design intent of the approved detailed development plan.

(2) Changes involving the storm water drainage pattern, the locations or relocations of utilities, and construction or modifications of public works within the PUD may be authorized by the public works department.

(3) An application shall be submitted, along with two (2) twenty-four-inch by thirty-six-inch prints of the revised plan.

(4) Upon final approval of the proposed amended detailed development plan, the developer shall submit the detailed development plan in an electronic form acceptable to the city of Lewiston, one (1) twenty-four-inch by thirty-six-inch reproducible print and one (1) eleven-inch by seventeen-inch print of the approved plan to the community development department.

(f) Appeal process for detailed development plans: Any person aggrieved by any final decision of the community development department and/or the public works department denying any application permit or approval relating to a detailed development plan may initiate an appeal to the planning and zoning commission in conformance with section [37-185](#) of this code. (Ord. No. 4270, § 3, 10-30-00; Ord. No. 4389, § 1, 2-14-05; Ord. No. 4531, § 11, 7-13-09; Ord. No. 4797, § 1, 1-25-21)

CITY ORDINANCE NO. 4872

AN ORDINANCE OF THE CITY OF LEWISTON AMENDING VARIOUS SECTIONS IN CHAPTER 37, ARTICLES I AND III OF THE LEWISTON CITY CODE TO CHANGE THE NAME OF THE ZONING CODE, AMEND DEFINITIONS, AND AMEND REGULATIONS PERTAINING TO PLANNED UNIT DEVELOPMENTS; REPEALING SECTION 37-95 TITLED "DESIGNATION" AND RESERVING SUCH SECTION; REPEALING AND REPLACING SECTION 37-97 REGARDING ADMINISTRATIVE PROCEDURES FOR PLANNED UNIT DEVELOPMENTS; AMENDING SECTION 37-115 REGARDING CONTRACT ZONING AGREEMENTS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LEWISTON, IDAHO:

SECTION 1: Lewiston City Code § 37-1 is hereby amended as follows:

Sec. 37-1. Title.

This chapter shall be known as the *Zoning Ordinance Code of the City of Lewiston*.

SECTION 2: Lewiston City Code § 37-3 is hereby amended as follows:

Sec. 37-3. Definitions.

As used in this chapter:

...
Affected person means ~~one having an interest in real property which may be adversely affected by the issuance or denial of a permit authorizing development, the same as defined in Idaho Code § 67-6521, as may be amended from time-to-time.~~

...
Working day means any day except a Saturday, Sunday, or a day which is a legal holiday under the laws of Idaho or any other holiday declared as a paid holiday by the Governor of the state of Idaho.

...
SECTION 3: Lewiston City Code § 37-94 is hereby amended as follows:

Sec. 37-94. Planned Unit Development (PUD) Zone.

(a) General: A planned unit development is tailored for a specific property to develop criteria that will determine building guidelines and land uses, where the desired development cannot be achieved with a standardized zoning district contained in this chapter nor with a contract zoning agreement authorized pursuant to section 37-115 of this chapter. An application for a planned unit development zone shall be processed as an amendment to the official zoning map, in accordance with article XII of this chapter. The ordinance adopting a planned unit development zone shall contain or adopt by reference an agreement that sets forth the allowable land uses and development standards. A planned unit development shall not be used as a mechanism to address

development issues that are more appropriately addressed by securing a variance or a conditional use permit.

~~(a)~~(b) *Purposes:*

(1) To allow a planned and coordinated mix of land uses and/or housing types which ~~are compatible and harmonious, but heretofore would otherwise not permitted under conventional zoning procedures~~ be allowed and when special project design elements or benefits to the neighborhood or community are offered or which may be required, and which otherwise would not have been required or achieved;

(2) To encourage a more creative and efficient utilization of land; a concentration or clustering of development in order to create, allow for, or provide open space ~~in more usable areas;~~ and/or a preservation of ~~the~~ natural resources or special features of the site;

...

(4) To provide the means for greater creativity and flexibility in ~~environmental~~ design and development than is provided under the strict application of the zoning and subdivision ~~ordinances codes~~, while at the same time preserving the health, safety, order, and general welfare of the city of Lewiston and its residents;

(5) To encourage the overall planning ~~and, designing, and development~~ of ~~large larger~~ tracts of land areas;

(6) To provide a better means of cooperation between the city of Lewiston and private developers in the urbanization of ~~new undeveloped~~ lands and the ~~renewal revitalization~~ of existing, deteriorated or underutilized ~~areas lands;~~

(7) To allow for exceptions to standards in the zoning and subdivision codes without sacrificing overall benefit to a neighborhood or to the community;

(8) To promote more cohesive and coordinated development.

SECTION 4: Lewiston City Code § 37-95, titled "Designation," is hereby repealed and reserved

for future use.

SECTION 5: Lewiston City Code § 37-96 is hereby amended as follows:

Sec. 37-96. Regulation.

(a) The tract of land for which a planned unit development is proposed shall be a minimum of five (5) acres. Areas of less than five (5) acres may qualify as a planned unit development project if the applicant can show to the ~~planning~~ commission that the waiver of this requirement is in the public interest and that at least one (1) of the following conditions exist:

(1) Unusual physical features of the site or the surrounding neighborhood are such that development under the ~~standard zoning provisions would not conserve the unique physical features of the site or would not allow functional or environmental compatibility with the surrounding neighborhood.~~ of the planned unit development district will contribute to the amenity and functionality of the neighborhood.

(2) The site is adjacent to an area which has been developed under the provisions of the planned unit development district and will contribute to the amenity and functionality of the neighborhood.

(3) The proposed development is substantially similar to or will serve, enhance, or compliment neighboring development.

(4) The proposed development meets or is consistent with at least four (4) of the eight (8) stated purposes of the PUD Zone.

~~(b) Application for a planned unit development designation shall be made by the owner or owners of the property, except that an option holder may apply for the planned unit development designation provided the application is accompanied by a signed statement indicating no objection to this designation from the owner or owners.~~

~~(c) The proposed land uses are to be mutually harmonious, compatible with adjacent land uses, and in agreement with the adopted comprehensive plan.~~

~~(d) Variances from traditional zoning requirements are to be granted when they are consistent with the purposes of this section, provide greater functionality and higher amenity to the neighborhood, and are in the interest of the neighborhood and entire community.~~

~~(e) Private roadways shall be permitted within the project, provided they are approved by the city council and are installed to city specifications for similar public streets.~~

~~(f) Sidewalks shall be required within the project in accordance with city standards.~~

~~(g) During development the developer is to comply with all the requirements of the city regarding lighting, noise abatement, traffic control and regulation, maintaining order, and keeping the premises free from debris. After development the owner shall be responsible for the same.~~

(b) Exceptions from traditional zoning and subdivision requirements may be granted within the project when they do not result in inconsistency with the stated purposes of the planned unit development zone, provide greater functionality and/or a higher amenity to the neighborhood, and/or are in the interest of the community in general.

(c) Private roadways (as defined in chapter 32 of this code) may be permitted within the project if their maintenance is provided for, as acceptable to the public works director; they are designed and installed to specifications, acceptable to the city engineer; and they are approved by the city council.

(d) All land use and development and activity within a planned unit development zone shall be subject to adopted city codes and standards, except as may otherwise be specified in the required planned unit development agreement.

(1) The planned unit development agreement shall explicitly identify any exceptions to city code or standards modified by the agreement.

(2) If the agreement does not identify specific city codes or standards waived or modified by the agreement, then the city codes and standards adopted by the city shall remain in full force and effect.

SECTION 6: Lewiston City Code § 37-97, titled “Administrative procedure,” is hereby repealed in its entirety.

SECTION 7: A new § 37-97 of the Lewiston City Code is hereby enacted as follows:

Sec. 37-97. Administrative procedure.

(a) Application for a PUD Zone shall require a pre-application meeting to be scheduled by the community development department. After formal application submittal to the community development department is accepted by the City Planner as being consistent with the stated purposes of the PUD Zone, it shall be processed in accordance with article XII of this chapter.

(b) *Development Master Plan.* Application for and approval of a PUD shall include a development master plan. The development master plan shall consist of the following:

(1) A written narrative of the proposed project, including, but not limited to, description of the following:

- a. Project intent, purpose, and target market, including how such is planned to be achieved;
- b. Why the project necessitates being done as a PUD; what is proposed that cannot be accommodated through standardized zoning and/or subdivision; what waivers or modifications to adopted standards are proposed; what benefits are proposed that would not otherwise be gained or achieved through a standardized zoning and/or subdivision;
- c. Project development timeline, including intended start, phasing, and completion;
- d. Intended post-development project ownership and maintenance responsibilities;
- e. How the project will fit into the neighborhood; project benefits, compatibility, and negative impacts; and
- f. Anticipated traffic generation and compatibility with and impact to the local street system.

(2) A site plan drawn to scale illustrating the following:

- a. Property lines, labeled and dimensioned;
- b. North arrow;
- c. Conceptual subdivision plan or preliminary plat, if applicable;
- d. Size, location, and arrangement of proposed buildings with the buildings labeled and setbacks to property lines indicated;
- e. Parking areas and streets, sidewalks, and other transportation facilities;

- f. Landscaping, screening, storm water detention facilities, freestanding and monument sign locations, and dumpster/trash collection facilities;
- g. Common open spaces and recreational areas;
- h. Proposed public and private water, sanitary sewer, storm sewer, outdoor lighting, and any other utilities (e.g., electric, communications, gas); and
- i. Other information as may be deemed necessary, depending on the project site, location, and/or proposal particulars.

(3) Topography by contours related to USCG survey datum, or other datum approved by the city engineer or designee, shown on the same map as the proposed PUD layout and showing existing and/or proposed contours adequate to describe any future grading. Contour interval shall be such as to adequately reflect the character and the drainage of the land.

(4) A written description and illustration of the architectural style and appearance of the proposed building(s).

(5) Traffic generation statement. The number of vehicular trips expected to be generated by a PUD may require a traffic impact study, as determined by the city engineer or designee. A PUD shall mitigate traffic impacts according to the traffic impact study and the city engineer or designee.

(c) Amendment to a planned unit development agreement and/or development master plan:

(1) Any substantial modification of an approved PUD agreement and/or development master plan shall require resubmittal of the PUD application with a written description and mapped depiction of the proposed amendments to the city planning and zoning commission and the city council pursuant to the procedures provided in section 37-184 of this code. The proposed amendments, if approved, will become an amendment to the approved development master plan. The community development director or designee is authorized to determine whether the proposed plan amendment is substantial.

a. For the purposes of this section, a substantial modification is any modification in the type of land use, phasing, development improvements, number or type of dwelling units, project scale, design standards or project design that could be expected to have resulted in the denial of the original or previously approved proposal to meet the required relevant criteria and standards or denial of the original or previously approved application, the imposition of additional requirements of development, or that could be expected to cause undue hardship or unmitigated adverse impact on neighbors to the PUD or to the community or result in conditions or impacts substantially different than were identified, presented, represented, or expected from the original or previously approved proposal. Any increase in residential development density greater than ten (10) percent or any increase in intensity of land use that would generate greater than ten (10) percent more traffic shall be deemed a substantial modification to the PUD.

(2) Any non-substantial modification to an approved PUD agreement and/or development master plan may be approved or denied by the community development director or designee, who may modify or require new condition(s) of approval, as necessary to ensure that the intent of the original approval is met. Non-substantial modifications are those modifications not deemed to be substantial by the community development director or designee, and that do not otherwise fall under the criteria of Sec. 37-97(c)(1)a. Final decision-making about a non-substantial modification is subject to mailing of a notice of intent for PUD change approval to property owners within the PUD and to property owners within three hundred thirty (330) feet of the PUD. Such notice shall describe the nature of the proposed change and advise recipients of the right to object to the change and that any such objection received in writing by the community development department within fifteen (15) days of the date of the notice shall require a public hearing before the planning and zoning commission pursuant to section 37-184 of this code. Decisions of the planning and zoning commission may be appealed by any person entitled to notice of the proceedings in accordance with section 37-185 of this code.

SECTION 8: Lewiston City Code § 37-115 is hereby amended as follows:

Sec. 37-115. Contract Zoning Agreements.

(a) *Purpose.* Contract zoning agreements are development agreements which are a discretionary tool to be used by the city, ~~but differentiated from a planned unit development, and authorized pursuant to Idaho Code § 67-6511A.~~ Contract zoning agreements ~~would~~ may allow a specific project with a specific use and/or development scheme on real property in an area which may not be appropriate for all uses allowed or conditional uses in the requested zone. Approval of the contract zoning agreement, pursuant to this article, would permit the zoning or rezoning requested but such zoning or rezoning will be conditioned on the performance of the provisions and terms of the contract zoning agreement. No contract zoning agreement shall be enacted which would allow permitted uses or conditional uses for the zone which would not otherwise be allowed in that zone.

SECTION 9: This ordinance shall take effect and be in full force from and after its passage and publication.

PASSED this _____ day of _____, 2023.

CITY OF LEWISTON

By: _____
Daniel G. Johnson, Mayor

ATTEST:

Kari J. Ravencroft, City Clerk